

**MODEL RFP ADDENDUM LANGUAGE**

**MAKE SURE THREE APPENDICES ARE ATTACHED!**

**Advertised Bid Proposal  
2005-[X or R]- [Solicitation #]  
Amendment [#]**

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**[PROJECT DESCRIPTION][T#]**

<b>Advertised Bid Proposal Number:</b>	<b>2005-[Solicitation #]</b>	<b>State Contract Index: (T-number)</b>	<b>[T#XXXX]</b>
<b>Advertised Bid Proposal Issue Date:</b>	<b>[Date Issued]</b>		
<b>Bid Opening Date/Time:</b>	<b>[Bid Opening Date]</b> 2 PM		
<b>Set-Aside Category:</b>	<b>[Set-Aside Category]</b>		

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**[FOR MACS-E SAMD SCREEN LANGUAGE – USE BELOW – DO NOT UPLOAD THIS SHEET  
TO INTERNET]**

PLEASE REFER TO ADDENDUM **[#]** IN THE ATTACHED PDF FILE FOR  
ADDITIONS TO THE RFP TERMS AND CONDITIONS. THIS ADDENDUM  
EXPLAINS THE REQUIREMENTS OF EXECUTIVE ORDER 134. PLEASE  
READ CAREFULLY – FAILURE TO SUBMIT THE ATTACHED  
CERTIFICATION FORM(S) WITH THE BID PROPOSAL SHALL BE CAUSE  
FOR AUTOMATIC REJECTION OF THE BID PROPOSAL.

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**TO BE USED AS PDF FILE ATTACHMENT – THREE FORMS MUST ALSO BE ATTACHED.**

**ADDENDUM [#]  
[PROJECT DESCRIPTION]  
05-[X OR R] [SOLICITATION #]**

The following section has been added as part of the terms and conditions of this RFP:

**X.XX Requirements of Executive Order 134**

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, Executive Order 134 was signed on September 22, 2004 (“EO 134”). Pursuant to the requirements of EO 134, the terms and conditions set forth in this section are material terms of any contract resulting from this RFP:

**X.XX.X Definitions**

For the purpose of this section, the following shall be defined as follows:

- a) Contribution – means a contribution reportable as a recipient under “The New Jersey Campaign Contributions and Expenditures Reporting Act.” P.L. 1973, c. 83 (C.10:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Currently, contributions in excess of \$400 during a reporting period are deemed “reportable” under these laws. As of January 1, 2005, that threshold will be reduced to contributions in excess of \$300.
- b) Business Entity – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person’s spouse or child, residing in the same household.

### **X.XX.X** Breach of Terms of Executive Order 134 Deemed Breach of Contract

It shall be a breach of the terms of the contract for the Business Entity to (i)make or solicit a contribution in violation of this Order, (ii)knowingly conceal or misrepresent a contribution given or received; (iii)make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv)make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate of holder of the public office of Governor, or to any State or county party committee; (v)engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of EO 134; (vi)fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii)engage in any exchange of contributions to circumvent the intent of EO 134; or (viii)directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of EO 134.

### **X.XX.X** Certification and Disclosure Requirements

a) The State shall not enter into a contract to procure from any Business Entity services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee during certain specified time periods. Accordingly, the Business Entity shall submit with its bid proposal Executive Order 134 Certification(s) in the form set forth in **Appendix [1]** attached hereto, certifying that no contributions prohibited by Executive Order 134 have been made by the Business Entity. A separate Certification is required for each person or organization defined above as a Business Entity. Failure to submit the Certification(s) with the Bid Proposal shall be cause for automatic rejection of the bid proposal.

b) Prior to awarding any contract or agreement to any Business Entity, the Business Entity proposed as the intended awardee of the contract shall report all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C.527 of the Internal Revenue Code that also meets the definition of a “continuing political committee” within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7, in the form of the Disclosure attached hereto as **Appendix [2]**. A separate Disclosure is required for each person or organization defined above as a Business Entity. Upon receipt of a Notice of Intent to Award a Contract, the intended awardee shall submit to the Division, in care of the Purchase Bureau Buyer, the Disclosure(s) within five (5)business days of the State’s request.

c) Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made. A copy of the Continuing Disclosure of Political Contributions is attached hereto as **Appendix [3]**. A separate Disclosure is required for each person or organization defined above as a business entity.

#### **X.XX.X State Treasurer Review**

The State Treasurer or his designee shall review the Disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor. If the State Treasurer determines that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of such contract.

All other terms and conditions of the RFP will remain the same.

#### **ATTACHMENTS:**

APPENDIX [1]  
APPENDIX [2]  
APPENDIX [3]